

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. CR 02-478-HA

Plaintiff,

OPINION AND ORDER

v.

BRIAN DAVID MARTIN,

Defendant.

The procedural background of this case is accurately set forth in the government's response to defendant's submission in support of his motion to suppress [59] and will not be repeated here. Based on the facts of this case and the recent Ninth Circuit Opinion in United States v Goude, 440 F.3d 1065 (9th Cir. 2006), defendant's motion to controvert the search warrant/motion to suppress[24] is denied.

DATED this 8th day of May, 2006.

/s/ Ancer L. Haggerty
ANCER L. HAGGERTY
CHIEF U. S. DISTRICT COURT JUDGE

OPINION AND ORDER